

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|--------------------|---|--------------------|
| MARK A. GADDIS, |) | |
| |) | |
| Petitioner, |) | |
| v. |) | NO. CIV-14-0807-HE |
| |) | |
| MICHAEL S. RICHIE, |) | |
| |) | |
| Respondent. |) | |


ORDER

Petitioner Mark A. Gaddis, a state prisoner appearing *pro se*, filed this case under 28 U.S.C. § 2254 seeking habeas relief as to various state court convictions. Consistent with 28 U.S.C. § 636(b)(1)(B), the petition was referred for initial proceedings to Magistrate Judge Suzanne Mitchell, who has filed a Report and Recommendation [Doc. #22] recommending that the petition be dismissed as untimely. Petitioner has not filed an objection to the report and has therefore waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court adopts the Report and Recommendation, a copy of which is attached to this order. The petition for writ of habeas [Doc. #1] corpus is **DISMISSED**. In light of this disposition, petitioner's motion for immediate habeas relief [Doc. #14] and his motion to discharge sentence [Doc. #20] are **STRICKEN** as **MOOT**.

IT IS SO ORDERED.

Dated this 26th day of June, 2015.



JOE HEATON
UNITED STATES DISTRICT JUDGE